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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/699,095 | 10/31/2003 | Donald W. Verser | 210441US (CPCM:0016/FLE) | 2662 |
| 7590 08/14/2006 | | | EXAMINER | |
| Michael G. Fletcher Fletcher Yoder P. O. Box 692289 Houston, TX 77269-2289 | | | LU, C CAIXIA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1713 | |

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,095

Applicant(s)

VERSER ET AL.

Examiner

Caixia Lu

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,15,28-31,33 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,15,28-31,33 and 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request for continued examination (RCE) under 37 C.F.R. §1.114 is acceptable. An action on the RCE follows.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 37-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Since the new claims are presented for the first time, applicants are requested to indicate how each claimed limitation is supported by the application as originally filed.

Claim Rejections - 35 USC § 103

5. Claims 1, 15, 28-31, 33 and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendrick et al. (US 6,204,344) in view of Hanson (US 5,597,892) for the same rationale as set forth in the previous Office action mailed January 18, 2006.

Art Unit: 1713

6. Claims 1, 15, 28-31, 33 and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tormaschy et al. (EP 0 432 555 A2) in view of respectively Hanson (5,597,892) and Hanson et al. (US 4,424,341).

Tormaschy teaches a continuous olefin polymerization process conducted in a loop reactor wherein the polymer slurry intermediate is continuously withdrawn from the reactor to a flash tank for separation (page 5, line 32 to 47, and page 7, Example). The solid content in Example is 63 wt% calculated based on the data disclosed.

It is noted that Tomaschy does not provide the details regarding the separation of the polymer slurry intermediate withdrew from the loop reactor. Separating the polymer slurry intermediate by cyclone or a flush tank coupled with a cyclone are conventional practice at the time of the invention and such is demonstrated in Hanson (5,597,892) (col. 2, line 10 to col. 3, line 27) and Hanson et al. (US 4,424,341) (col. 3, line 5 to col. 4, line 17).

Thus, it would have been obvious to a skilled artisan at the time the invention was made to employ Hanson (5,597,892) or Hanson et al. (US 4,424,341) to Tomaschy's polymerization process since such is conventional done in the art to separate the polymer product and recycle the reaction diluent and thus optimize the productivities and thus lower the cost and in the absence of any showing criticality and unexpected results.

Response to Arguments

Applicant's arguments regarding claims 1, 15, 28-31, 33 and 36 filed June 23, 2006 have been fully considered but they are not persuasive.

Art Unit: 1713

Applicants argue that the specification of the parent application 08/893,200, now US 6,239,235, provides full support for the subject matter of instant claims. Applicants indicate that US 6,239,235 with the incorporation of Hanson (US 5,597,892) which can support present claims and cite "Hottovy, col. 4, lines 51-54" for such incorporation by reference. However, in the indicated section of Hottovy, the incorporation of Hanson (US 5,597,892) is not mentioned.


The instant claims are not supported in the cited sections of Hottovy and Hanson '341 because the process disclosed in Hottovy together with Hanson '341 requires separation of the polymer slurry intermediate product by a flush tank first and then further separate the liquid portion of the polymer slurry by a cyclone rather than separating the polymer slurry intermediate product in a cyclone directly as required by claims 1, 15, 28-31, 33 and 36.

Applicants' arguments regarding the separation features of the cyclone system because those claims pertained to the arguments are cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.


Caixia Lu, Ph. D.
Primary Examiner